

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 23-0208 (MJD/ECW)

DIVAUNTE KARTRELL YOUNG,

Defendant.

Ruth Schnider, Assistant United States Attorney, Counsel for Plaintiff.

Robert M. Paule, Robert M. Paule, PA, Counsel for Defendant.

This matter comes before the Court on the Order and the Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated March 4, 2024. (Docs. 55, 56.)

In the Order and the Report and Recommendation, the Magistrate Judge denied Defendant's Motion to Require the Government to Permit Defense Inspection of Defendant's Cellphone. The Magistrate Judge also recommended denying (1) Defendant's Motion to Suppress Witness Statements Pursuant to the Fifth Amendment, (2) Defendant's Motion to Suppress Evidence Obtained as a

Result of Search and Seizure, (3) Defendant's Motion to Dismiss the Indictment, (4) Defendant's Pro Se Motion for Judgment of Acquittal, (5) Defendant's Pro se Motion to Release Property, and (6) Defendant's Pro Se Requests to the Court from the Defense. Any objections to the R&R were due on March 18, 2024.

On March 19, 2024, Defendant Divaunte Kartrell Young filed untimely objections to Order and the Report and Recommendation. (Doc. 58.) In his objections, Defendant appeals the denial of his Motion to Require the Government to Permit Defense Inspection of Defendant's Cellphone and the recommendations on his (1) Motion to Suppress Witness Statements Pursuant to the Fifth Amendment, (2) Motion to Suppress Evidence Obtained as a Result of Search and Seizure, and (3) Motion to Dismiss the Indictment.

Despite the untimely filing, the Court considers the objections here. The Court first addresses Defendant's appeal of the Order denying the Motion to Require the Government to Permit Defense Inspection of Defendant's Cellphone and then Defendant's objections to the recommendations provided by the Magistrate Judge.

I. Objection on Order Denying Defendant's Motion

The Court has conducted a clear error review of the Magistrate Judge's Order denying the Motion to Require the Government to Permit Defense

Inspection of Defendant's Cellphone and concludes that the Order was not contrary to law or clearly erroneous. Fed. R. Crim P. 59(a); Local Rule 72.2(b). The Court therefore overrules Defendant's objection and affirms the Order.

II. Objections to Recommendations Denying Defendant's Motions

The Court has conducted a de novo review of the recommendations provided by the Magistrate Judge. Fed. R. Crim P. 59(b)(3); Local Rule 72.2(b). Based upon that review, the Court overrules Defendant's objections and adopts the recommendations.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Order and Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright dated March 4, 2024 [**Docs. 55, 56**].
2. Defendant's Objections to the Order and the Report and Recommendation [**Doc. 58**] are **OVERRULED**.
3. The Magistrate Judge's Order **DENYING** Defendant's Motion to Require the Government to Permit Defense Inspection of Defendant's Cellphone [**Doc. 19**] is **AFFIRMED**.

4. Defendant's Motion to Suppress Witness Statements Pursuant to the Fifth Amendment **[Doc. 17]** is **DENIED**.
5. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure **[Doc. 18]** is **DENIED**.
6. Defendant's Motion to Dismiss the Indictment **[Doc. 35]** is **DENIED**.
7. Defendant's Pro Se Motion for Judgment of Acquittal **[Doc. 48]** is **DENIED**.
8. Defendant's Pro se Motion to Release Property **[Doc. 50]** is **DENIED**.
9. Defendant's Pro Se Requests to the Court from the Defense **[Docs. 52, 53, 54]** are **DENIED**.

Dated: May 21, 2024

s/Michael J. Davis

Michael J. Davis

United States District Court